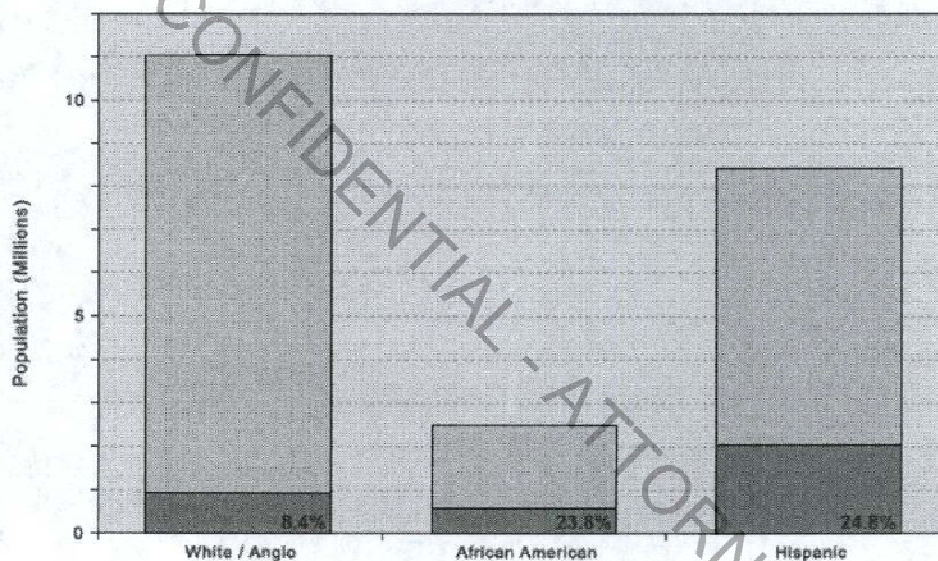


Obtaining a birth certificate not only costs money, it requires the voter to present certain forms of identification, such as a photo id. If they had a photo id, they wouldn't be seeking the birth certificate just to obtain a free election identification certificate. The list of documents voters would need to produce in order to obtain a birth certificate is enclosed.

Not only do a disproportionate number of minorities lack the necessary documentation to obtain a free id, it is even more difficult for minorities without documentation to pay for the necessary documentation because a greater percentage of minorities than whites live in poverty. The chart below from the Texas Politics Project shows the breakdown of Texans living in poverty by ethnic group.

**Percentage of Total Persons in Poverty by Group, 2007**



#### **Difference from the Indiana Voter I.D. law**

Indiana allows voters to be exempted simply by signing an affidavit stating that they are indigent.

Indiana also has a longer period (10 days) for voters to appear to present I.D. or affirm that an exemption applies to them. They also may vote at the county election office during early voting and affirm that an exemption applies to them, without having to vote a provisional ballot and wait until the election is over as is required in the Texas law.

Voters in Indiana are also allowed to use an I.D. that has expired up to two years from the election, as opposed to 60 days for Texans.

College students in Texas are not allowed to use their school id, even those who attend state schools.



Indiana has attempted to address the DPS availability issue by requiring that full service license branches must remain open from 8:30 a.m. to 8:00 p.m. on the day before each general, municipal, primary and special election and from 6:00 a.m. to 6:00 p.m. each general, municipal, primary and special election day solely for the purpose of issuing driver's licenses and photo identification cards.

### **Inadequate Funding**

The fiscal note for SB 14 claims that the legislation will only cost the state \$2 million to implement. This is incredibly unrealistic. The state admits in the fiscal note that it does not know the costs that will be incurred as a result of the free election identification certificates being provided. However, if the percentage of the eligible voting population who will need a free I.D. and the cost to the state per card is assumed to be similar to Indiana, then we can make the following assumptions, according to data provided by the United States Elections Project:

Indiana Voting Eligible Pop = 4,678,739

Texas Voting Eligible Pop = 15,407,666

Indiana provided 168,000 free IDs at a cost of \$1,309,093 = 3.6% of VEP = \$7.79 per card

3.6% of Texas VEP = 554,676 people needing a free I.D. at \$7.79 per card = \$4,320,926 in cost to the state

Beyond that, the voter education component alone is likely to cost more than \$2 million if done properly. According to our estimate of reasonable saturation just on television in all Texas media markets, the cost would be \$2,128,250. In 2006, when former Secretary of State Roger Williams implemented the VoTexas initiative to inform voters about changes to the voting process using television, radio, print and internet advertisements, that initiative cost \$5 million.

So if the cost of providing free IDs is on par with the costs incurred by Indiana to implement their law, and the state runs a true voter education program similar to the VoTexas program it ran previously, that alone is over **\$9 million**, which is money the state of Texas doesn't have. An assumption is made in the fiscal note that HAVA funds will be available to help offset their \$2 million estimate, but the Secretary of State's office was not able to tell the legislators how much, if any, HAVA funds might be available.

### **Flawed Legislative Process**

This legislation was passed in a hurry as one of the Governor's "emergency" measures. A "Committee on Voter I.D. and Voter Fraud" was established in the State House, consisting of 6 Republicans and 3 Democrats, where hearings were hurriedly held and a vote was taken with little discussion. Once the bill reached the House floor, many points of order were raised and overruled, numerous amendments were offered to make the bill less onerous, such as same day registration and exemptions for voters over 65, but were voted down almost always on a party line vote. Several members raised questions about the impact the bill would have on voters in their districts, but their questions were met with deflection, obfuscation, and occasionally derision from the proponents of the bill. The transcript of the floor debate in the House is enclosed.



On the Senate side, the long-standing, much revered two-thirds rule, by which no bill can be brought to the floor without the consent of two-thirds of the Senators, was changed in 2009 to exempt voter id, allowing the bill to pass on a party-line vote of 19-12. This was done because it only takes 11 Democrats to block a controversial bill from coming to the floor and Senate Democrats had previously used the two-thirds rule to prevent similar legislation. It should be noted that all African American and Latino State Senators are Democrats, and all had repeatedly voted against the legislation. So the only way to get voter I.D. passed in the Senate was to disregard decades of Senate precedent.

### **Improper Implementation**

Additionally, discrimination is likely to occur due to improper implementation of the legislation. The Secretary of State's office, as of August 3, 2011, still had not established procedures for implementing the legislation. At the Election Law Seminar held for County Elections officials, many of the questions raised by the elections officials as to how they were to go about holding the election under the legislation were unable to be answered by the Secretary of State's office. Further, even for those Texans who do have photo ID, SB 14 makes an assumption that all voters look like their driver's license photo, and many of us do not. In Texas, your license is good for 6 years and you can renew your license online every other time you renew, and you can renew online up to 2 years after your license expires. This means a voter could present a driver's license with a photo that is up to 14 years old – and many of us looked very different that many years ago. To illustrate this concern, we asked some Texas Democrats to send us their driver's license photos along with a current photo. I have included just a few of those photos in this submission as crystal clear evidence that there are a great many Texans who do not resemble their license photos. Under this legislation, the thousands of election judges across the state who are already overworked and underpaid for their civic service would now have to undergo additional training to learn to deal with the validity and accuracy of photo IDs and whether or not an eligible voter gets to cast their ballot may depend on an elderly poll worker's eyesight and judgment.

### **Opposition from non-partisan groups**

But don't just take our word for it. This legislation was opposed by many non-partisan organizations who work with the affected communities. The list of witnesses for and against SB 14 during House and Senate testimony on the bill is enclosed. Organizations such as the League of Women Voters, the Coalition of Texans with Disabilities, the League of United Latin American Citizens, and the National Association for the Advancement of Colored People with long histories of championing the rights of voters registered against the bill. Notice that the entities signing in "for" the bill, such as the King Street Patriots and the Harris County Tax Assessor's office, are some of the same entities referenced earlier about whom complaints have been filed for voter intimidation and suppression. This is no coincidence.

Sincerely,